



CITY OF MEMPHIS

COUNCIL AGENDA

October 25, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (October 11, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCE - FIRST READING (none)

ZONING ORDINANCE - SECOND READING

1. **ORDINANCE** extending from the northern terminus of Hunter's Glade Lane to the eastern terminus of Callie Manor Drive, containing 22.63 acres in the Agricultural (AG) District, up for S E C O N D reading.

Peete

Ordinance No. 5138
Case No. Z 05-114cc

Applicant: Hilliard, Boysen & Tribble
The Bray-Davis Firm, LLC – David Bray - Representative

Request: Single Family Residential (R-S15) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

2. **RESOLUTION** accepting CANE CREEK APARTMENTS P.D., and authorizing release of bond.

Case No. PD 02-323
(Contract No. CR-4888)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Ragan Street at the terminus of Gold Avenue. The standard improvement contract was approved on August 3, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$17,400.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION accepting FRANKLIN FARMS P.D., PHASE 4, PART OF AREA A & B, and authorizing release of bond.

Case No. PD 98-332cc
(Contract No. CR-4799)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Houston Levee, south of Highway 64. The standard improvement contract was approved on June 17, 2003. Resolution also authorizes the release of the Letter of Credit (S033152) in the amount of \$110,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION accepting GEMSTONE P.D., PHASE 2, AREA B & C, and authorizing release of bond.

Case No. PD 99-380
(Contract No. CR-4856)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of White Diamond Street, west of Weaver Road. The standard improvement contract was approved on March 2, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$46,100.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting CARTLTON RIDGE P.D., and authorizing release of bond.

Case No. PD 01-338cc
(Contract No. CR-4755)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Macon Road, east of Hall Road. The standard improvement contract was approved on November 12, 2002. Resolution also authorizes the release of the letters of credit in the amount total of \$371,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving final plat of RIVERDALE/RAINES C-P, PHASE 1.

Case No. Z-2360
Contract No. CR-4983

Resolution approves the final plat located on the west side of Riverdale Road, north of Raines Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting TULIP CREEK SUBDIVISION, SECTION B, and authorizing release of bond.

Case No. S 99-012cc
(Contract No. CR-4756)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Covington Pike, 140.82 feet north of Mandy Smith Drive. The standard improvement contract was approved on November 12, 2002. Resolution also

authorizes the release of the performance bond in the amount of \$22,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting BUCKINGHAM FARMS P.D., PHASE 24, and authorizing release of bond.

Case No. PD 95-310cc
(Contract No. CR-4748)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Nonconnah Parkway, east of Hacks Cross Road. The standard improvement contract was approved on October 1, 2002. Resolution also authorizes the release of the bond in the amount of \$390,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

9. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 05-325cc - DEXTER WOODS PLANNED DEVELOPMENT

Located on the southwest corner of Dexter Road and Dexter Lane, containing 8.06 acres in the Agricultural (AG) District

Applicant: Tommy Thompson
Davis Engineering (Mark Davis) – Representative

Request: Parcel A – 28 Residential Lots
Parcel B – Commercial Uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 1, 2005

GENERAL ITEM

10. RESOLUTION extending 102nd Happy Birthday greetings to Mrs. Rosie Miller.

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

11. RESOLUTION approving Expedited Procurement Request for Change No. 2 to Contract No. 10817, Managed Prescription Drug Program, with Express Scripts, Inc. in an estimated funded amount of \$2,750,000.00. (This extends the contract not to exceed 90 days beginning 1/1/06.) (Held from 10/11).
12. RESOLUTION approving Change No. 3 to Contract No. 10918, Out-of-State Auto Insurance, with Pete Mitchell & Associates, Inc. in the funded amount of \$88,160.00. (This ratifies the contract for a second term, 2/14/05 to 2/14/06 and covers payment made without prior approval).(Held from 09/20).
13. RESOLUTION awarding Contract No. 11049, Fire Protection Sprinkler System Installation, to River City Sprinklers, Inc. in the funded amount of \$63,438.00.
14. RESOLUTION awarding Contract No. 11050, Tape Reporting Tool, to TeraCloud Corporation in the funded amount of \$48,814.92.
15. RESOLUTION awarding Contract No. 11053, Armored Car Services, to Dunbar Armored, Inc. in the funded amount of \$46,748.40.
16. RESOLUTION awarding Contract No. 11056, MLGW Electric, Gas and Telecom Vulnerability Assessment, to ABSG Consulting, Inc. in the funded amount of \$138,000.00.
17. RESOLUTION approving Expedited Procurement Request for Change No. 7 to Contract No. 10562, Installation of PBX/ACD System, with Converged Solutions Group, LLC, in the funded amount of \$205,059.00.
18. RESOLUTION approving Change No. 3 to Contract No. 10871, HMO Benefit Group Agreement, with Aetna U.S. Healthcare, Inc. in an estimated funded amount of \$911,382.00. (This renews the contract for the third term, 1/1/06 through 12/31/06, and covers a 5.1% decrease in medical rates and a 7.4% increase in dental rates.)
19. RESOLUTION approving Change No. 2 to Contract No. 10897, Medical Benefit Provider, with CIGNA Healthcare, Inc. in an estimated funded amount of \$4,183,054.00. (This renews the contract for the tenth term, 1/1/06 through 12/31/06, and covers a 3.2% rate increase.)
20. RESOLUTION approving Change No. 6 to Contract No. 10919, Business Operations Center Telecommunications System, with Converged Solutions Group, LLC, in the funded amount of \$91,434.00. (This covers the purchase and installation of Internet Protocol Distributed Architecture remote telephone shelves.)
21. RESOLUTION awarding contract for security CCTV equipment upgrade to Anixter, Inc. in the amount of \$295,187.10, approximately.
22. RESOLUTION awarding 16-month blanket contract for utility bill mailing and return envelopes to Top Flight, Inc. in the amount of \$216,270.00, approximately.
23. RESOLUTION awarding contract for wedge-tap connectors to Tennessee Valley Electric Supply Company in the amount of \$528,576.54.
24. RESOLUTION awarding contract for tape library to Venture Technologies in the amount of \$45,637.00.

25. RESOLUTION awarding contract for provers and laptop computers to Dresser Roots Meters & Instruments in the amount of \$42,221.00.
26. RESOLUTION awarding contract for gantry crane hoist system to Tennessee Sling Center, Inc. in the amount of \$28,698.20.
27. RESOLUTION awarding contract for calcium hypochlorite tablet chlorination system to Brenntag Mid-South in the amount of \$25,875.00.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

28.
Marshall

APPOINTMENTS

Civil Service Commission

Appointment

Bernie Weinman

Memphis City Beautiful Commission

Appointment

Stephanie Gatewood

Memphis & Shelby County Board of Equalization

Reappointments

Howard Golwen

Lilly White

Memphis & Shelby County Cross Connection Board

Appointment

Michael Russell

Reappointments

Norman LaChapelle

Samuel McKee

Memphis & Shelby County Convention Center Commission

Appointment

Ellen B. Vergos

Memphis & Shelby County Land Use Control Board

Appointment

Dayton Reid Hedgepeth

Reappointments

Sidney Chism
Loyal Featherstone
Margaret Pritchard
James Toles

GENERAL ORDINANCES - THIRD AND FINAL READING

29. **ORDINANCE** amending Chapter 41, Code of Ordinances, City of Memphis, so as to update regulations for Wreckers and Towing Operators within the City of Memphis, up for T H I R D and F I N A L reading.(Held from 10/11)

Sammons Ordinance No. 5133

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** amending Chapter 4, Article III, Division 2 of the Code of Ordinances regarding general restrictions on issuance of License to Sell Beer for Off-Premises Consumption, up for T H I R D and F I N A L reading.(Held from 10/11)

Sammons Ordinance No. 5134

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** to amend the City of Memphis Code of Ordinances, by adding a new section, Storm Water Enterprise Fund, establishing a Storm Water Enterprise Fund, providing for the powers, duties and responsibilities of the enterprise, establishing a Storm Water Fee; establishing a policy regarding expenditure of enterprise revenues, up for T H I R D and F I N A L reading.

Hooks Ordinance No. 5135

Director of Public Works recommends approval

ACTION REQUESTED: Take whatever action Council deems advisable

32. **ORDINANCE** to extend the boundaries of the city limits of the City of Memphis by virtue of the provisions of Chapter 113 of the Public Acts of the General Assembly of the State of Tennessee for 1955, as amended, by annexing Raleigh North Annexation Area and assigning said area to a Council District, up for T H I R D and F I N A L reading.

Marshall Ordinance No. 5137

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

33. **RESOLUTION** authorizing the Memphis-Shelby County Airport to issue a series of Revenue Refunding Bonds, Series 2005 to Refund Bonds.

Jones

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

34. **RESOLUTION** approving a transfer of an unimproved City owned, tax parcel, to the Frayser Community Development Corporation in the amount of \$50.00. The parcel lies on the west side of Aline Road opposite Smith Ridge Road located in the City of Memphis. The Frayser Community Development Corporation, plans to build a single family house that is to be owner occupied.

Brown
2nd &
Final Reading

Resolution approves the request of Frayser Community Development Corporation for the City to transfer property to them for a fee of Fifty (\$50.00) Dollars. The Division of Housing and Community Development has approved the transfer of the subject property to this designated CHDO. The approval of housing design by HCD has been made a part of the Transfer Agreement. The City property has 54 + feet of frontage on Aline Road and a depth of 240 feet. The Shelby County Assessor's Office identifies the City parcel as Ward 071, Block 052, Parcel 00108. The subject property was acquired by the City in Tax sale #10, Chancery Court Cause #9425-3 R.D., as Exhibit #006710. Per ordinance, the transfer of the subject parcel is subject to the request laying over for a second reading to allow interested parties to voice either their approval or opposition to the transfer. Resolution approval on second reading shall be deemed approval of the transfer. Resolution also authorizes the Mayor to execute the necessary documents in connection with the transfer.

Directors of Housing and Community Development and General Services recommend approval.

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION accepting an offer to purchase City of Memphis owned property, located on the south west corner of Trinity and Sanga Roads, in the amount of \$143,000.00. This surplus property has been subdivided as Lot 2, containing 35,977 square feet, more or less, of the Fire Station #54 Subdivision, two lots – 3.01 acres, (OPD Case No. S 02-038). Lot 2 has been approved for C-L (Neighborhood Commercial) Zoning.

Brown
1st Reading

Resolution accepts an offer from Jatinder Sharma and Balivinder Kumar to purchase property located on the west side of Trinity Road and south side of Sanga Road in the City of Memphis, County of Shelby and State of Tennessee. Fire Services has determined that the subject property is surplus. The amount of the offer is \$143,000.00. Per Ordinance, the sale of the subject property is subject to the offer laying over for a subsequent council meeting for a second and final reading, at the second reading additional bids may be made subject to an initial increase of \$500.00 plus additional increases in increments of \$50.00 or more, with said bids being further subject to the terms and conditions of the Offer to Purchase Agreement.

Director of General Services and Director of Fire Services recommend approval.

ACTION REQUESTED: Adopt the resolution on First reading

36. RESOLUTION approving purchase of property from The Malcolm W. Riddick Revocable Trust, Malcolm W. Riddick Trustee, located on the southeast corner of Brunswick Road and Millington-Arlington Road, for the sum of \$75,000.00.

Brown

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION accepting an offer to purchase City owned property located on the south side of Kruger Road and east of Highland Street to the adjoining property owners, containing 3,217 square feet, more or less. The amount of the offer is \$500.00.

Brown

Resolution accepts an offer from Penny M. Townsend and Terrence A. Townsend to purchase property located on the south side of Kruger Road and east of Highland Street in the City of Memphis, County of Shelby and State of Tennessee. The City Engineer's Office has determined that the subject property is surplus. The amount of the offer is \$500.00. Per ordinance, the sale of the subject property is not subject to the offer laying over for a second reading and Council approval on the first reading shall be deemed approval of the sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale.

Director of General Services and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

38. RESOLUTION authorizing the sale of City owned vacant land at 1126 College Street (02601800029), in the South Memphis Area to LeMoyne-Owen College C. D. C. in the amount of \$1.00.

Holt

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION authorizing the sale of City owned vacant land at 2509 Hanwood (04206700008), in the North Memphis Area to Quentin E. Franklin in the amount of \$500.00.

Holt

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)**LAW DIVISION** (none)**DIVISION OF PARK SERVICES**

40. RESOLUTION including Church Park Renovations, located at Beale St. & Fourth, CIP Project Number PK07082, as part of the Fiscal Year 2006 Capital Budget. Resolution states the Administration is required to present a preliminary design to the appropriate Council Committee. Resolution further requests approval for continuation of plans and specifications for the taking of bids at an estimated construction cost of \$2,000,000.00.

McCormick

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION amending the FY 2006 Capital Improvement Budget for CIP Project Number PK07018, Westwood Park is hereby amended by transferring a \$273,000.00 allocation in Construction and \$4,646.00 appropriation in Architect/Engineering from PK07018, Westwood Park to PK01011, Charles Powell Community Center Addition, funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring a \$17,369.00 allocation from Architect/Engineering and \$173,840.00 in Construction from CIP Project Number PK07016, Hickory Hill #7 Ridgeway North of Winchester to an allocation of \$17,369.00 in Architect/Engineering and \$173,840.00 in Construction to CIP Project Number PK07043, Shivler Park funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION amending the FY 2006 Capital Improvement Budget for Project Number PK 05003, Kennedy Park by transferring a \$930,000.00 allocation from Architect/Engineering to Construction funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

44. RESOLUTION accepting grant funds in the amount of \$6,678.90 from the Memphis City Schools for the Drug Abuse Resistance Education (DARE) Program. Resolution also amends the FY 2006 Operating Budget to establish and appropriate said grant funds and state funds for \$35,000.00 with the total appropriation of \$41,678.90.

Jones

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

45. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring allocations of \$3,799,698.00 funded by G.O. Bond Funds from Asphalt Paving, project number PW01040 and \$213,771.00 funded by G.O. Bond Funds from ADA Wheel chair Ramp Program, project number PW04007 to Resurfacing Various St. Grp 1, project number PW01172.

Hooks

Resolution appropriating \$4,013,469.00 funded by G.O. Bond Funds for Resurfacing Various St Grp 1, project number PW01172 for a construction contract with Lehman Roberts Co.

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING

46. **ORDINANCE** amending Section 29, Signs and Section 30, Nonconformities, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5136
Case No. ZTA 05-001cc

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent regarding the location of off-premise signs and amend Section 30, Nonconformities regarding alteration, expansion, replacement and moving of off-premise and all signs

Recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

47. RESOLUTION approving a planned development located on the west side of Mendenhall; at the western terminus of Barry Road, containing 1.36 acres in the Single Family Residential (R-S10) District.(Held from 9/20; 10/11)

Peete

Case No. PD 05-334

Applicant: MARS Development, LLC
Bray-Davis Firm (David Bray) – Representative

Request: Six Residential Lots

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

51 NOTICES MAILED ON SEPTEMBER 9, 2005

48. RESOLUTION approving a planned development located on the southeast corner of Walnut Grove Road and Bazeberry Road, containing 380.83 acres in the Agricultural (AG), Agricultural Flood Plain (AG[FP]), & Floodway (FW) Districts

Peete

Case No. PD 05-345cc

Applicant: Grey’s Hollow, LLC
Ronald Harkavy, Attorney – Representative

Request: A mixed use planned development consisting of residential, office, and commercial uses within the Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

137 NOTICES MAILED ON OCTOBER 14, 2005

49. RESOLUTION approving a planned development located on the northwest and northeast corners of Battle Creek Drive and Raleigh LaGrange Road, containing 7.26 acres and is governed by conditions of the Hidden Woods P.D. (P.B. 139, Pg. 12).

Peete

Case No. PD 05-349

Applicant: Harold W. Krag, III
James Callahan – Representative

- Request:
1. Amend Condition I.C to reduce the number of Open Space Areas from ten (10) to eight (8)
 2. Amend the Open Space Areas to delete 2.72 acres and combine it with Area “I” to allow nine(9) single family lots (minimum lot size = 7,300 square feet).
 3. Amend Area “F” to allow 3.53 acres of the southern portion of the site to allow twenty-two(22) residential lots (minimum lot size = 4,075 square feet).

LUCB and OPD recommendation: APPROVAL. with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

112 NOTICES MAILED ON OCTOBER 14, 2005

50. RESOLUTION approving a planned development located on the east side of Graham Street; +150 feet south of Given Avenue, containing 2.35 acres in the Single Family Residential (R-S6) District.

Peete

Case No. PD 05-350

Applicant: MARS Development, LLC
The Bray-Davis Firm, LLC – Representative

- Request: A planned development to create eleven (11) single family detached lots with a minimum lot size of 6,106 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

120 NOTICES MAILED ON OCTOBER 14, 2005

ADJOURNMENT

ADD-ONS

51. RESOLUTION honoring Lamar Wallis.
Taylor

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION honoring Councilwoman Janet Hooks.
Ford

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 8 – Approved
9. Public hearing set for November 1, 2005
10. Through 17 – Approved
18. and 19 – Held to November 1, 2005
20. Through 28 – Approved
29. and 30 – Held to November 1, 2005
31. Held to November 15, 2005
32. Through 39 – Approved
40. Back to Committee on November 1, 2005
41. Through 45 – Approved
46. and 47 – Held to November 1, 2005
48. Approved
49. and 50 – Held to November 1, 2005
51. and 52 – Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 11, 2005 with the following motion:

MOTION: Sammons – Pull Items 52, Case No. SUP 05-207 and 53, Case No. SUP 05-208 from the minutes

SECOND: Brown

APPROVED, items 52 and 53 pulled from the minutes, to go back to Committee on November 1, 2005 and Minutes of 10/25/05